

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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ISRAEL NAVEDO,

Plaintiff,

-against-

SUMMONSTHE CITY OF NEW YORK, POLICE OFFICER
CHRISTOPHER SCANZANO, Shield No. 5415,
DETECTIVE KARANLALA BRIJBUKHAN, Shield No.
660, DETECTIVE JOEL POLICHRON, SERGEANT
AFZAL ALI, UNDERCOVER POLICE OFFICER #312,
and POLICE OFFICERS JOHN DOES NUMBERS ONE
THROUGH TEN,

Index No.:

The Basis of Venue is:
Location of IncidentPlaintiff designates Kings
County as the place of trial.

Defendants.

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To the above named Defendants:

You are hereby summoned to answer the Verified Complaint in this action, and to serve a copy of your Verified Answer to the Verified Complaint, or, if the Verified Complaint is not served with this Summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this Summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
September 11, 2017

Yours, etc.

/s/

JACOBS & HAZAN, LLP.
STUART E. JACOBS, ESQ.
Attorney for Plaintiff
30 Vesey Street, 4th Floor
New York, New York 10007
(212) 577-2690

TO: City of New York, Corporation Counsel, 100 Church Street, NY, NY 10007

POLICE OFFICER CHRISTOPHER SCANZANO, Shield No. 5415, Narcotics Borough
Brooklyn North, One Police Plaza, New York, NY, 10038

DETECTIVE KARANLALA BRIJBUKHAN, Shield No. 660, Narcotics Borough
Brooklyn North, One Police Plaza, New York, NY, 10038

DETECTIVE JOEL POLICHRON, Narcotics Borough Brooklyn North, One Police
Plaza, New York, NY, 10038

SERGEANT AFZAL ALI, Narcotics Borough Brooklyn North, One Police Plaza, New
York, NY, 10038

UNDERCOVER POLICE OFFICER #312, Narcotics Borough Brooklyn North, One
Police Plaza, New York, NY, 10038

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THE CITY OF NEW YORK, POLICE OFFICER
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660, DETECTIVE JOEL POLICHRON, SERGEANT
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THROUGH TEN,

Defendants.

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INDEX NO.:

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff ISRAEL NAVEDO, by his attorneys, Jacobs & Hazan, LLP, as and for his
Verified Complaint herein, alleges upon information and belief as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action to recover money damages arising out of defendants' violation of plaintiff's rights as secured by the Civil Rights Act, 42 U.S.C. Sections 1983 and 1988, and of rights secured by the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, and the common law and the laws of the State of New York. On August 22, 2015, at approximately 3:30 p.m., plaintiff Israel Navedo, while lawfully present in the vicinity of Montauk Avenue and Hegemon Avenue, Brooklyn, New York, was subject to an unlawful stop, question, frisk, search, false arrest, and false imprisonment by the defendant New York City police officers. Plaintiff was subjected to malicious prosecution and denied the right to due process and a fair trial. All criminal charges brought against plaintiff were dismissed and terminated in plaintiff's favor on or about June 13, 2016. Plaintiff was deprived of his constitutional and common law rights when the individual defendants unlawfully stopped, questioned, frisked, searched, confined, falsely arrested, maliciously prosecuted, and denied plaintiff the right to due process in violation of the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, the common law and the laws of the State of New York.

PARTIES

2. Plaintiff ISRAEL NAVEDO is a resident of the state of New York.

3. POLICE OFFICER CHRISTOPHER SCANZANO, Shield No. 5415, is and was at all times relevant herein, an officer, employee, and agent of the New York City Police Department.

4. POLICE OFFICER CHRISTOPHER SCANZANO, Shield No. 5415, is and was at all times relevant herein, assigned to Narcotics Borough Brooklyn North.

5. POLICE OFFICER CHRISTOPHER SCANZANO, Shield No. 5415, is being sued in his individual and official capacity.

6. DETECTIVE KARANLALA BRIJBUKHAN, Shield No. 660, is and was at all times relevant herein, an officer, employee, and agent of the New York City Police Department.

7. DETECTIVE KARANLALA BRIJBUKHAN, Shield No. 660, is and was at all times relevant herein, assigned to Narcotics Borough Brooklyn North.

8. DETECTIVE KARANLALA BRIJBUKHAN, Shield No. 660, is being sued in his individual and official capacity.

9. DETECTIVE JOEL POLICHRON is and was at all times relevant herein, an officer, employee, and agent of the New York City Police Department.

10. DETECTIVE JOEL POLICHRON is and was at all times relevant herein, assigned to Narcotics Borough Brooklyn North.

11. DETECTIVE JOEL POLICHRON is being sued in his individual and official capacity.

12. SERGEANT AFZAL ALI and was at all times relevant herein, an officer, employee, and agent of the New York City Police Department.

13. SERGEANT AFZAL ALI is and was at all times relevant herein, assigned to Narcotics Borough Brooklyn North.

14. SERGEANT AFZAL ALI is being sued in his individual and official capacity.

15. UNDERCOVER POLICE OFFICER #312 is and was at all times relevant herein, an officer, employee, and agent of the New York City Police Department.

16. UNDERCOVER POLICE OFFICER #312 is and was at all times relevant herein, assigned to Narcotics Borough Brooklyn North.

17. UNDERCOVER POLICE OFFICER #312 is being sued in his individual and official capacity.

18. New York City Police Officers John Does #1-10 are and were at all times relevant herein officers, employees, and agents of the New York City Police Department.

19. Police Officers John Does #1-10 are being sued in their individual and official capacities.

20. At all times relevant herein, the individual defendants were acting under color of state law in the course and scope of their duties and functions as agents, servants, employees and officers of the New York City Police Department, and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. They were acting for and on behalf of the New York City Police Department at all times relevant herein, with the power and authority vested in them as officers, agents and employees of the New York City Police Department and incidental to the lawful pursuit of their duties as officers, employees and agents of the New York City Police Department.

21. Defendant City of New York is a municipal entity created and authorized under the laws of the State of New York. It is authorized by law to maintain a police department, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The defendant City of New York assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risks attach to the public consumers of the services provided by the New York City Police Department.

22. Plaintiff in furtherance of his causes of action brought pursuant to New York State law filed a timely Notice of Claim against the CITY OF NEW YORK in compliance with the Municipal Law Section 50 and in accordance with New York State law.

23. In accordance with New York State law and General Municipal Law Section 50, plaintiff testified at a hearing held pursuant to General Municipal Law Section 50-H on October 31, 2016.

24. More than thirty (30) days have elapsed since service of said Notice of Claim was filed and THE CITY OF NEW YORK has failed to pay or adjust the claims.

25. This action falls within one or more of the exceptions as set forth in CPLR Section 1602, involving intentional actions, as well as the defendant, and/or defendants, having acted in reckless disregard for the safety of others, as well as having performed intentional acts.

26. Plaintiff has sustained damages in an amount in excess of the jurisdictional limits of all the lower Courts of the State of New York.

STATEMENT OF FACTS

27. On August 22, 2015, at approximately 3:30 p.m., plaintiff Israel Navedo, was lawfully present in the vicinity of Montauk Avenue and Hegemon Avenue, Brooklyn, New York,

when the defendant police officers unlawfully stopped, questioned, frisked, and searched plaintiff without reasonable suspicion, probable cause, or any legal justification.

28. At no time relevant herein did plaintiff commit a crime or violate the law, nor did plaintiff behave in a manner that would lead a reasonable police officer to believe that plaintiff committed, was about to commit or was committing a crime.

29. Plaintiff was unlawfully stopped, questioned, and frisked without legal justification or probable cause.

30. The officers did not recover any illegal drugs, weapons or contraband from plaintiff or from his possession, custody, or control.

31. Nevertheless, plaintiff was unlawfully handcuffed by defendant officers without legal justification or probable cause.

32. Plaintiff was transported by the defendant police officers to the 75th Precinct, where he was photographed, fingerprinted, searched, and then placed in a holding cell by the defendants.

33. At no time did the defendant police officers explain to plaintiff why he was being arrested.

34. At no time did the defendant police officers recover any drugs, contraband or other illegal paraphernalia from plaintiff.

35. After approximately 8 hours in custody, plaintiff was transported from the 75th Precinct to Kings County Central Booking and placed in a holding cell.

36. The defendant police officers provided the District Attorney's Office with the false, misleading and/or incomplete information which allegedly led them to believe that plaintiff committed a crime.

37. Additionally, defendant Police Officer Christopher Scanzano signed a criminal court complaint under penalty of perjury that contained false, misleading and incomplete allegations against plaintiff and that was used to initiate a criminal prosecution against plaintiff and charge him with crimes he did not commit.

38. Based upon the false, misleading and/or incomplete information provided to the District Attorney's Office by the defendant police officers, a prosecution was initiated against plaintiff.

39. After being unlawfully detained for approximately 24 hours, plaintiff was arraigned in Kings County Criminal Court and charged with crimes he did not commit.

40. The officers maliciously and unlawfully charged plaintiff with Criminal Possession of a Controlled Substance in the Third Degree, Criminal Sale of a Controlled Substance in the Third Degree, and Criminal Possession of a Controlled Substance in the Seventh Degree without probable cause or legal justification.

41. The judge set bail in the amount of \$7,500, which plaintiff could not post, and plaintiff was remanded to Department of Corrections custody at the Otis Bantum Correctional Center.

42. On August 26, 2015, after being unlawfully imprisoned for more than 3 days, plaintiff was able to post bail and was released from custody.

43. On January 22, 2016, based upon false, misleading and/or incomplete information provided by the defendant police officers, plaintiff was indicted for crimes he did not commit.

44. Plaintiff appeared in court on at least five occasions before all charges were terminated in plaintiff's favor, dismissed and sealed in their entirety on June 13, 2016.

45. Some of the police officer defendants observed the violation of plaintiff's rights under the Constitution of the United States and New York State Law and did nothing to prevent the unjustifiable search, seizure, false arrest and imprisonment, malicious prosecution, and denial of due process and the right to a fair trial process against plaintiff.

46. The unlawful search, false arrest, and false imprisonment, denial of a right to fair trial, and malicious prosecution, of plaintiff by the individually named defendants caused plaintiff to sustain physical, psychological and emotional trauma.

FIRST CAUSE OF ACTION

Violation of Plaintiff's Fourth and Fourteenth Amendment Rights

47. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 46 with the same force and effect as if more fully set forth at length herein.

48. The individually named police officer defendants while acting in concert and within the scope of their authority, caused plaintiff to be unlawfully stopped, questioned, and frisked, unlawfully seized, unlawfully searched, falsely arrested, falsely imprisoned, and maliciously prosecuted plaintiff, without reasonable suspicion and/or probable cause, in violation of plaintiff's right to be free of an unreasonable seizure under the Fourth Amendment of the Constitution of the United States and to be free of a deprivation of liberty under the Fourteenth Amendment to the Constitution of the United States.

49. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to physical, emotional, psychological and economic injuries.

SECOND CAUSE OF ACTION

False Arrest and False Imprisonment

50. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 49 with the same force and effect as if more fully set forth at length herein.

51. The acts and conduct of the defendants constitute false arrest and false imprisonment under the laws of the State of New York. Defendants intended to confine plaintiff and, in fact, confined plaintiff, and plaintiff was conscious of the confinement. In addition, plaintiff did not consent to the confinement and the confinement was not otherwise privileged.

52. As a direct and proximate result of such acts, defendants deprived plaintiff of his rights under the laws of the State of New York and the United States Constitution.

53. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

54. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

55. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to physical, economic, emotional and psychological injuries.

THIRD CAUSE OF ACTION

Unlawful Stop, Question, and Frisk

56. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 55 with the same force and effect as if more fully set forth at length herein.

57. The illegal approach, pursuit, stop, questioning and frisk employed by defendants herein terminated plaintiff's freedom of movement through means intentionally applied.

58. The conduct of defendants in stopping, frisking, and searching plaintiff were performed under color of law and without any reasonable suspicion of criminality or other constitutionally required grounds.

59. As a direct and proximate result of such acts, defendants deprived plaintiff of his rights under the laws of the State of New York.

60. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

61. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

62. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to physical, economic, emotional and psychological injuries.

FOURTH CAUSE OF ACTION

Unlawful Search

63. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 63 with the same force and effect as if more fully set forth at length herein.

64. The illegal approach, pursuit, stop and search employed by defendants herein terminated plaintiff's freedom of movement through means intentionally applied.

65. Defendants lacked probable cause to search plaintiff.

66. As a direct and proximate result of such acts, defendants deprived plaintiff of his rights under the laws of the State of New York.

67. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

68. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

69. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

FIFTH CAUSE OF ACTION

Malicious Prosecution

70. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 69 with the same force and effect as if more fully set forth at length herein.

71. The acts and conduct of the defendants constitute malicious prosecution under the laws of the United States Constitution, State of New York and New York State common law.

72. Defendants commenced and continued a criminal proceeding against plaintiff.

73. There was actual malice and an absence of probable cause for the criminal proceeding against plaintiff and for each of the charges for which he was prosecuted.

74. The prosecution and criminal proceedings terminated in plaintiff's favor on the aforementioned date.

75. Plaintiff was subjected to a post-arraignment deprivation of liberty sufficient to implicate plaintiff's Fourth Amendment rights.

76. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

77. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

78. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

SIXTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

79. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 78 with the same force and effect as if more fully set forth at length herein.

80. By the actions described herein, defendants, each acting individually and in concert with each other, engaged in extreme and outrageous conduct, conduct utterly intolerable in a civilized community, which negligently caused severe emotional distress to plaintiff, Israel Navedo. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to plaintiff and violated plaintiff's statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

81. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to plaintiff and violated plaintiff's statutory and common law rights as guaranteed plaintiff by the laws and Constitution of the State of New York.

82. As a direct and proximate result of such acts, defendants deprived plaintiff of his rights under the laws of the State of New York.

83. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

84. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

85. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

SEVENTH CAUSE OF ACTION

Denial of Right to Fair Trial/Due Process

86. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 85 with the same force and effect as if more fully set forth at length herein

87. Defendants, individually and collectively, manufactured and/or withheld false evidence and forwarded this false evidence to prosecutors in the Kings County District Attorney's Office.

88. Defendants filled out false and misleading police reports and forwarded them to prosecutors in the Kings County District Attorney's Office.

89. Defendants signed false and misleading criminal court affidavits and forwarded them to prosecutors in the Kings County District Attorney's Office.

90. In withholding/creating false evidence against plaintiff Israel Navedo, and in providing/withholding information with respect thereto, defendants violated plaintiff's constitutional right to due process and fair trial under the New York State Constitution and under the Due Process Clause of the Fifth Amendment to the Constitution of the United States and to be free to deprivation of liberty under the Fourteenth Amendment to the United States Constitution.

91. As a result of the foregoing, plaintiff Israel Navedo, sustained, inter alia, loss of the right to due process and a fair trial, loss of liberty, emotional distress, embarrassment and humiliation, lost earnings and deprivation of his constitutional rights.

92. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

93. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

94. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

EIGHTH CAUSE OF ACTION

Negligent Hiring, Retention, Training and Supervision

95. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 94 with the same force and effect as if more fully set forth at length herein.

96. The City of New York and its employees, servants and/or agents acting within the scope of their employment did negligently hire, retain, train and supervise defendants, individuals who were unfit for the performance of police duties on the aforementioned dates at the aforementioned locations.

97. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

NINTH CAUSE OF ACTION

Failure to Intervene

98. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs marked 1 through 97 with the same force and effect as if more fully set forth at length herein.

99. The defendants that did not physically touch plaintiff, but were present when other officers violated plaintiff's Constitutional Rights had an affirmative duty to intervene on behalf of plaintiff, whose constitutional rights were being violated in their presence by other officers.

100. Defendants failed to intervene to prevent the unlawful conduct described herein.

101. As a result of the foregoing, plaintiff's liberty was restricted for an extended period of time, he was put in fear of his safety, and he was humiliated and subject to other physical constraints.

102. As a direct and proximate result of such acts, defendants deprived plaintiff of his rights under the laws of the State of New York.

103. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

104. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

105. As a result of the aforementioned conduct of defendants, plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

JURY DEMAND

106. Plaintiff hereby demands trial by jury of all issues properly triable thereby.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Israel Navedo demands judgment against the defendants on each cause of action in amounts to be determined upon the trial of this action which exceeds the jurisdiction of lower courts, inclusive of punitive damages and attorneys' fees inclusive of costs and disbursements of this action, interest and such other relief as is appropriate under the law. That the plaintiff recover the cost of the suit herein, including reasonable attorney's fees pursuant to 42 U.S.C. § 1988.

Dated: New York, New York
September 11, 2017

By: /s/
STUART E. JACOBS
DAVID M. HAZAN
JACOBS & HAZAN, LLP
Attorneys for Plaintiff
30 Vesey Street, 4th Floor
New York, NY 10007
(212) 577-2690

TO: City of New York, Corporation Counsel, 100 Church Street, NY, NY 10007
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Police Plaza, New York, NY, 10038

ATTORNEY'S VERIFICATION

STUART E. JACOBS, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a partner of the law firm of **JACOBS & HAZAN, LLP**, I have read the annexed **VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files. The reason this verification is made by me and not Plaintiff is because plaintiff does not reside in the county wherein I maintain my office.

DATED: New York, New York
September 11, 2017

/s/
STUART E. JACOBS